REMARKS

Claims 22 and 24 are pending in this application. Claim 22 has been amended by adding the term "in" at line 6 to correct an informality. In addition, claim 22 has been amended to delete "located at a store"at lines 8 and 9.

Claim 22 was amended in response to the previous office action to make it clear that images are processed (*i.e.*, combined or somehow modified) by a user and stored in a commerce provider server so that the stored images can be printed at a location outside of the store. Claims 22 and 24 had been rejected as being anticipated by U.S. Patent No. 6,754,636 to Walker et al., even though Walker et al. do not show transmitting processed images to a second terminal in accordance with an ID number from a commerce provide server. Claims 22 and 24, as pointed out in response to the previous Office Action, require producing processed images at a first terminal, transmitting from the first terminal with an ID number to a commerce provider server, transmitting the ID number from a second terminal (*e.g.*, at the store where the printing will be performed), and transmitting the processed images in accordance with the ID number from the commerce provider server through the network to the second terminal.

In response to those arguments and amendments, the Examiner now rejects Claims 22 and 24 under 35 U.S.C. §103(a) as suggested by Walker et al. in view of U.S. Patent No. 6,324,521 to Shiota et al., relying on Shiota et al. to supply the imaging processing features not found in Walker et al. Applicant traverses this rejection both on the basis that the combination is not obvious and on the basis that the combination, if made, would not result in the claimed invention because neither reference suggests producing or transmitting processed images as claimed by Claim 22, from which Claim 24 depends.

Shiota et al. teach and disclose a network photograph service system which provides a photograph developing service via a network such as the Internet. The Examiner did not provide any reference in the prior art to suggest the desirability of combining Walker et al. and Shiota et al. The features of the photograph development system of Shiota et al. do not appear to offer any prospect for improving the efficiency or functioning of the retail purchasing system of Walker et al.

Similarly, the features of the retail purchasing system of Walker et al. do not appear to offer any prospect for improving the efficiency or functioning of the photograph development system of Shiota et al. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." M.P.E.P., § 2143.01, citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990).

Even if there were some basis for finding a combination of Walker et al. with Shiota et al. to be suggested by the prior art, such a combination would not result in the invention recited in Claims 22 and 24.

In Shiota et al., once film has been delivered to a developing laboratory, tools are made available over the Internet or another network to enable a customer to select pictures and to have them processed at an appropriate developing laboratory. Even though images are made available to the customer at this stage for formatting, "the processing carried out at this stage, such as composition, aims to generate the order information, and the processed image obtained through the processing is used for confirmation only." (Shiota et al., column 10, lines 7-11, relied on in the Office Action at 2) Because Shiota et al. teach that the image is used for confirmation only and is not the image processed by the developing laboratory, Shiota et al. do not suggest transmitting a processed image to a second terminal as recited in Claims 22 and 24.

That is, Shiota et al. do not suggest transmitting a processed image to a second terminal, because final processing of a photographic image according to Shiota et al. does not take place until the last stage of the process. Neither Walker et al. nor Shiota et al., therefore, suggest:

carrying out a processing of images at a first terminal to produce processed images

transmitting processed images and an identification number from said first terminal via a network to a commerce provider server;

storing said processed images said commerce provider server in accordance with said identification number;

transmitting said identification number from a second terminal, located at a store, to said commerce provider server, wherein said

second terminal is different from said first terminal; and

transmitting said processed images in accordance with said

identification number from said commerce provider server via said

network to said second terminal

(Claim 22, lines 2-12) (emphasis added)

A combination of Walker et al. and Shiota et al. would not result in Claims 22 and 24 because neither Walker et al. nor Shiota et al. suggest transmitting processed images to a commerce provider server, or transmitting said processed images to a second terminal.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that Claims 22 and 24 be allowed, and that the application be passed to issue. Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson P.C.).

Respectfully submitted,

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